

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NORAL E. BROWN : CIVIL ACTION
v. : NO. 06-1174
JOHN A. PALAKOVICH, et al. :

ORDER

AND NOW this 17th day of August, 2006, upon consideration of the Petition for a Writ of Habeas Corpus (Doc. No. 1), the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Doc. No. 7), Plaintiff's Objections (Doc. No. 8), Defendant's Response to Plaintiff's Objections, (Doc. No. 10), and all related submissions, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petition for a Writ is **DENIED**. See 28 U.S.C. § 2254(a) (2004); id. § 2254(d) (imposing one-year limitations period for habeas petitions by state prisoners); Pace v. DiGuglielmo, 125 S. Ct. 1807, 1814 (2005) (a litigant seeking equitable tolling must prove: (1) he has been pursuing his rights diligently, and (2) some extraordinary circumstance stood in his way); Brown v. Shannon, 322 F.3d 768, 773 (3d Cir. 2003) (for equitable tolling to apply, the petitioner must show a causal relationship between the alleged extraordinary circumstances and the lateness of his filing).
3. A certificate of appealability is not granted.

The clerk's office shall close this case for statistical purposes.

BY THE COURT.

/s Paul S. Diamond, J.

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